IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION NO.3553 OF 2004

Saeed Mohiuddin Shaikh, .. Applicant

Vs

The State of Maharashtra, .. Respondent

Mr.S.G.Kudle, for the applicant.

Mr R.Y.Mirza, APP for the respondent.

CORAM : D.B.BHOSALE,J.

DATE : 31st AUGUST, 2004.

PC:

1. Heard Mr.Kudle, learned counsel for the applicant and Mr.Mirza, learned A.P.P for the respondent.

2. By this application, the applicant has prayed for bail in Sessions Case No.199 of 1995. The applicant has been charged for the offence under sections 392, 397 read with 34 of Indian Penal Code. He was granted bail in 1995 itself. Since he was not attending the dates of hearing before the trial Court, a non-bailable warrant was issued and it was pending against the applicant for quite some time. He came to be arrested on 1.8.2004. He, thereafter, filed an application for bail, which was rejected by the Sessions Court, on 16.8.2004, mainly on the ground that the applicant was not available on the address given by him and the police were required to

make strenuous efforts to arrest him. Resultantly, his absence obstructed the progress of the case.

3. I perused the order and the other material placed before me. The applicant in paragraph 1 of the application has specifically stated that he has not changed the place of his residence and he has been staying in the same premises since 1970. He has further stated that he does not have any other residential premises. According to Mr.Kudale, the applicant, at the relevant time, was not available since he had gone for "Jamat". Keeping in view the overall facts and circumstances of the case, I am satisfied that the following order would meet the ends of justice.

(a) The applicant is directed to be enlarged on bail on his furnishing a personal bond of Rs.15,000/- with one or two local sureties of the like amount to the satisfaction of the trial Court subject to the condition that he shall report the concerned police station on every Wednesday and Saturday between 6 pm and 7 pm until the conclusion of his trial.

(b) The applicant shall attend each and every date/dates of hearing before the Sessions Court, failing which this order of bail shall stand automatically cancelled and it

would be open for the police to arrest him so as to enable the trial Court to proceed with the trial. The trial is expedited.

. While allowing this application, I shall not be understood to have expressed any opinion on merits of the case. The Sessions Court shall decide the case uninfluenced by the observations made in this order.

(D.B.Bhosale,J.)